

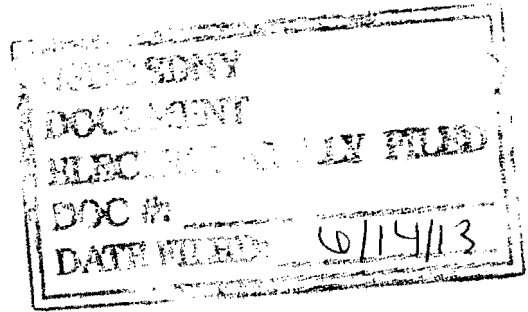
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION**

This document relates to:

*Commonwealth of Puerto Rico et al. v. Shell
Oil Company, et al.*, 07 Civ. 10470

SHIRA A. SCHEINDLIN, U.S.D.J.:



ORDER

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

Four motions to dismiss for lack of personal jurisdiction are currently pending in this case, respectively filed by: (1) Trammo Caribbean, Inc. and Trammo Petroleum, Inc. ("Trammo") (Doc. No. 207); (2) Total, S.A. ("TSA") (Doc. No. 215); (3) Total Outre-Mer, S.A. ("TOM") (Doc. No. 224); and (4) Peerless Oil and Chemicals, Inc. ("Peerless," and collectively with Trammo, TSA, and TOM, the "Moving Defendants") (Doc. No. 231). In opposition to these motions, Plaintiffs have filed four documents styled as objections (collectively, the "Objections"): (1) 6/5/13 Plaintiffs' Objections to the Reply Affirmation of Maldonado in Support of TOM's Reply to Plaintiffs' Opposition to Motion to Dismiss (Doc. No. 283); (2) 6/5/13 Plaintiffs' Objections to the Supplemental and Reply Declaration of Christophe Jacquet, in Support of Plaintiffs' Opposition to Motion to Dismiss by TOM (Doc. No. 284); (3) 6/6/13 Plaintiffs' Objections to the


Reply Declaration of Peter Herbel in Support of Defendant Total, S.A.'s Motion to Dismiss (Doc. No. 286); and (4) 6/6/13 Plaintiffs' Objections to the Declaration of William E. Markstein Filed in Support of the Motion to Dismiss Filed by Defendant Trammo Petroleum, Inc. and Trammo Carribean, Inc. (Doc. No. 287).

For the following three reasons, the Objections are procedurally improper, and will be stricken from the record. *First*, there is no procedural device for filing 'objections' to a reply declaration or affirmation. The question of whether the Moving Defendants have presented materials that cannot support their pending motions under the Federal Rules of Evidence was fully submitted to the Court upon the filing of their reply briefs.

Second, the Objections violate Rule 7.1(a)-(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York ("Local Rules"). They seek judicial notice of materials beyond the relief sought by the pending motions, but do not "specify the applicable rules or statutes pursuant to which" they are brought.¹ *Finally*, the Objections violate Rule IV.G of my Individual Rules and Procedures to the extent that they are sur-replies and/or supplemental briefing filed without this Court's prior permission. For these reasons, I order the Objections stricken from the record.

¹ Local Rules 7.1(a)(1).

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 14, 2013